

**BEFORE THE ADDITIONAL MASTER II
HIGH COURT, MADRAS
T.O.S.No.11 OF 2022**

Date:05.12.2025
Time :12:40 P.M.

Name : Mrs.R. Vijayalakshmi (PW1)

Cross Examination by Mrs.Gnanammal., Learned Counsel for the
Defendant D3 & D4.

Solemnly affirmed:

Q1:Do you know for what purpose this suit has been filed?

A:Yes, I know. This suit has been filed for probating the WILL executed by
my father-in-law late Mr.Munusamy Naicker dated 22.01.1997.

Q2:Whether the proof affidavit has been prepared at the instruction given by
you to your counsel?

A:Yes.

Q3:When did you get married?

A:On 30.08.1992.

Q4:From the date of marriage whether you and your husband are living
together?

A:Yes.

Q5:How many children's born to you in which year and name your children?

A:I gave birth to triplets(3 male child) on 03.12.1995 and their names are
Raghavendran, Rathishkumar and Rajkumar.

Q6:Where your children done their schooling?

A:Ashok Nagar, Chennai.

Q7:Up to which standard in which school they have studied at Chennai?

A:Up to 2nd std they have studied at Jawahar Vidhayalaya School Ashok Nagar, Chennai,

Q8:In which year your children studied 2nd standard?

A:I do not remember.

Q9:Where you have resided at that time?

A:We have resided at Kodambakkam.

Q10:Is it correct to state that you have resided at Puliyur Housing Board, South Sivan Kovil Street, Kodambakkam?

A:Yes.

Q11:After that where your children were studying?

A:They were studying at Daressalam, Tanzania.

Q12:In which year you have gone to Daressalam, Tanzania.

A:I do not remember.

Q13:How many year you have stayed at Daressalam, Tanzania?

A:2 years.

Q14:After that where you have resided?

A:After that we have resided at Canada.

Q15:I put it to you that at present you are residing at Canada.

A:Yes.

Q16:Is it correct to state that you have also got the citizenship of Canada?

A:Yes.

Q17:(Proof affidavit is shown to the witness) I put it to you that you have mentioned in your proof affidavit that you are residing at No.18, Ponnambalam Street, Cholapuram, Ambattur, Chennai-600 053.

A:Yes. If I come to India we are staying at No.18, Ponnambalam Street, Cholapuram, Ambattur, Chennai-600 053. So I have mentioned my address as above in the proof affidavit. It is my parents house.

Q18:Have you filed any document to prove that it is your parents house and you are residing in that address during your visit to India?

A:I do not know.

Q19:(Proof affidavit is shown to the witness) Can you confirm this court after verifying the documents filed by you before this court whether you have filed any document to prove that it is your parents house and you are residing in that address during your visit to India?

A:I did not file.

Q20:Whether you have mentioned in your proof affidavit that the above said address is your parents house address?

A:No.

Q21:What is your qualification?

A: B.Com.,

Q22:Whether your husband has possess any shop at Koyambedu Vegetable Market?

A:Yes,

Q23:How many shops your husband has possessed at Koyambedu Vegetable Market?

A:One shop.

Q24:For how many years your husband conducted vegetable business at Koyambedu Market?

A:Approximately for 10 years.

Q25:From which year your husband conducted vegetable business at Koyambedu Market?

A:From the year 1994.

Q26:Whether you father-in-law owned a house at No.5, Ganapathy Street, Poothapedu, Porur, Chennai?

A:Yes.

Q27:I put it to you that till his demise he was residing in the above said address.

A: Yes.

Q28:What is the qualification of your father-in-law?

A:I do not know.

Q29:Whether your father-in-law able to read and write English?

A:I do not know.

Q30:In your proof affidavit you have stated that your father-in-law handed over the possession of the shop at Koyambedu Vegetable Market. Have you filed any documentary proof for the same?

A:Yes, I have filed Registered Power of Attorney and Registered WILL.

Q31:Is it correct to state that on the basis of Registered Power of Attorney and Registered WILL your father-in-law handed over the possession of the shop at Koyambedu Market?

A:Yes.

Q32:Is it correct to state that the above said both document have executed and registered on 22.01.1997?

A:Yes.

Q33:I put it to you that you have filed Ex.P6, The Original Application form submitted by your father-in-law regarding the shop at Koyambedu Vegetable Market. Is it correct.

A: Yes.

Q34:Ex.P6 is the application given by your father-in-law for allotting a shop at Koyambedu Vegetable Market in his name which was given to Chief Executive Officer, MMDA?

A:Yes.

Q35:How did you get the original application(Ex.P6)?

A:Since my husband only helped my father-in-law in his business So, I got the original application(Ex.P6).

Q36:From whom you got the original application(Ex.P6)?

A:I do not know.

Q37: (Ex.P8 is shown to the witness) Can you say what is Ex.P8?

A:It is an application given by my father-in-law to MMDA to change the shop owners name .

Q38:In whose name the transfer required by your father-in-law?

A:In my name.

Q39:Whether your father-in-law has signed in Ex.P8?

A:No.

Q40:Have you filed any acknowledgment related to Ex.P8?

A:The MMDA seal affixed in Ex.P8.

Q41:Except the seal of MMDA there is no acknowledgment by MMDA in Ex.P8. What do you say?

A:No sign or initial of MMDA authorities found in Ex.P8.

Time: 01:35 PM

Time continuation: 02:48 PM

Solemnly affirmed:

Q42:(Ex.P8 is shown to the witness) In backside of Ex.P8 it was mentioned that it contains affidavit, consent letter of Vijayalakshmi(myself) and allotment order but you have filed the undated letter and affidavit so, it is an incomplete document. What do you say?

A:I deny. But Ex.P8 contains affidavit and letter of MMDA.

Q43:The request letter in Ex.P8 was typed in English. Is it correct?

A: Yes.

Q44:The affidavit enclosed along with the request letter in Ex.P8 is also typed in English. What do you say?

A:Yes.

Q45:There is no proof in Ex.P8 that the allotment order was enclosed with Ex.P8?

A: Yes. There is no allotment order enclosed with Ex.P8.

Q46:(Ex.P9 is shown to the witness) Ex.P9 addressed by whom to whom?

A: It was sent by MMDA chief executive officer to Munusamy Naicker (my father-in-law).

Q47:Ex.P9 is the reply given to the Letter dated 18.09.1995 written by Munusamy Naicker. Is it correct?

A: Yes.

Q48:(Ex.P8 & Ex.P9 are shown to the witness) There was no mention in Ex.P9, regarding Ex.P8. What do you say?

A: Yes.

Q49:Your father-in-law has not sent any reply to the letter dated 09.10.1995 (Ex.P9). What do you say?

A:I deny.

Q50:Whether Munusamy Naicker sent any reply to Ex.P9 if so what is the Exhibit number you have filed before this Court?

A:Yes. I have filed that document as Ex.P11.

Q51:Is there any acknowledgment sent by MMDA to your father-in-law for Ex.P11?

A:I do not remember.

Q52:(Ex.P11 is shown to the witness) In Ex.P11 enclosures are mentioned as 1.Consent letter from the Transferee (affidavit) 2.Xerox copy of the application form 3. Fees for transfer of shop. But you have not filed the enclosures along with Ex.P11. What do you say?

A: Yes.

Q53:(Ex.P13 is shown to the witness) What is that document?

A:It is the License for the shop bearing No.B-37, Koyambedu Wholesale market complex.

Q54:On the basis of which order passed by which authority this license(Ex.P13) issued in your name?

A: On the basis of name transfer letter given by my father-in-law and myself this license was issued in my name.

Q55:To whom the above said letter given by you and your father-in-law?

A:Chief Executive Officer, MMDA.

Q56:I put it to you that Ex.P13 is forged by you and filed before this Court.

A: I deny. It is a genuine document.

Q57:I put it to you that Ex.P7 is the WILL executed by your father-in-law on 01.09.1994. Is it correct.

A: Yes.

Q58:I put it to you that Ex.P7 is typed in Tamil Language. Is it correct.

A:Yes.

Q59:In Ex.P7 whether you and your husband have signed as attesting witnesses?

A:No.

Q60:Ex.P7 is the WILL executed by your father-in-law with regard to his entire property. Is it correct?

A:No. Except the suit property he executed Ex.P7.

Q61:In Ex.P7 he bequeathed the properties to his four children. Is it correct?

A:Yes.

Q62:According to Ex.P7 your father-in-law bequeathed his properties equally to his four children. Is it correct?

A:He bequeathed his properties as per the content of the WILL.

Q63:(Proof affidavit is shown to the witness) In Para 17 of your proof affidavit you have stated that “It is true that deceased had love and affection equally towards his children, that is why the deceased devolved the other valuable properties to his other legal heirs including the contesting defendants”. Is it correct?

A:Yes, in that para I have mentioned about the love and affection shown by my father-in-law equally towards his children.

Q64:I put it you that you have wrongly stated in your proof affidavit Para No.17 and your father-in-law had bequeathed 44 cents in Porur to his each son and he has bequeathed only 4 cents each to his 4 daughters. What do you say.

A:I deny. But he bequeathed his properties as above.

Q65:When Ex.P7 executed by your father in law you were residing at No.5, Ganapathy Naicker Street, Poothapedu Village, Porur. Is it correct?

A:Yes.

Q66:(Proof affidavit is shown to the witness) Whether you have stated in your proof affidavit that at the time of execution of Ex.P7, you were residing at No.5, Ganapathy Naicker Street, Poothapedu Village, Porur?

A:No, I have not stated.

Q67:In Ex.P7 your father-in-law has not mentioned about this suit property and he also not mentioned to whom it has to be allotted. Is it correct?

A:Yes.

Q68:(Ex.P1 is shown to the witness) What is the document?

A:It is an allotment order issued by Chief Executive Officer, MMDA.

Q69:Whether any sale deed issued by MMDA in favour of your father-in-law based on the allotment order (Ex.P1)?

A:No.

Q70:Have you filed the Original Allotment order before this court?

A:No. I have not filed.

Q71:Whether your father-in-law gave you the original allotment order?

A:Yes.

Q72:Have you stated in your proof affidavit that on which date your father-in-law handed over the original allotment order to you?

A:I have not mentioned in my proof affidavit.

Q73:(Ex.P12 is shown to the witness) Ex.P12 is the General Power of Attorney executed in your favour by your father-in-law. Is it correct?

A:Yes.

Q74:In Ex.P12, he gave Power to you to get the sale deed for the suit property. For that purpose only he has executed General Power of Attorney in your favour. What do you say?

A:Yes.

Q75:Whether you have taken any steps to get the sale deed regarding the suit property as per Ex.P12?

A:I have taken steps to get the sale deed after 2002.Since the installment were going on till 2002.

Q76:Ex.P12 is the General Power of Attorney and it becomes invalid after the death of your father-in-law who died on 25.09.1998, so you do not have any authority to get the sale deed after the death of your father-in-law?

A:I deny. My father-in-law has executed a WILL regarding the suit property in my favour. On the basis of registered WILL I have taken steps to get the sale deed.

Q77: Without probating the WILL you do not have any authority to get the sale deed. What do you say?

A:The property is in our possession from the date of allotment and no one questioned regarding our possession of the suit property. When we have filed suit for probation of WILL after that only the sisters of my husband and my co-sisters are created problem.

Q78:What is the rent for the suit property after the death of your father-in-law?

A:Rs.2500/-

Q79:Who are collecting the rent for the shop after the death of your father-in-law?

A: Myself and my husband are collecting the rent for the shop (Suit property).

Q80:What is the rent for the shop at present?

A:At present it was in the locked condition.

Q81:From which date the shop was locked?

A:For the Past 2 years.

Q82:What is the last rent collected from shop?

A:Rs.8000/- Per month in the year 2022.

Time:.04:10 P.M.

Taken down in open Court, read over and explained to the witness and the same is admitted by the witness to be true and correct and signed before me.

ADDITIONAL MASTER-II